

THE TRI-WEEKLY YEOMAN.

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TUESDAYS.

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DEMOCRATIC STATE TICKET.

For Governor,
BERIAH MAGOFFIN,
OF MERCER COUNTY.

For Lieutenant Governor,
LINN BOYD,
OF M'CRACKEN COUNTY.

For Attorney General,
ANDREW J. JAMES,
OF FRANKLIN COUNTY.

For Auditor,
GRANT GREEN,
OF HENDERSON COUNTY.

For Treasurer,
JAMES H. GARRARD,
OF BOYLE COUNTY.

For Register of the Land Office,
THOMAS J. FIRAZZLER,
OF BREATHITT COUNTY.

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ROBERT RICHARDSON,
OF KENTON COUNTY.

Prest. Board Internal Improvement,
JAMES P. BATES,
OF BARREN COUNTY.

FOR CONGRESS,
CAPT. WILLIAM E. SIMMS,
OF BOURBON.

FOR HOUSE OF REPRESENTATIVES,
GEO. R. VALLANDINGHAM,
OF FRANKLIN COUNTY.

TUESDAY..... JULY 12, 1859

The Election.

Last Thursday, in noticing a communication written by a prominent citizen of Covington, we called public attention to the fact that a number of our naturalized citizens had been deterred from exercising their constitutional rights at the polls in this precinct from well-grounded apprehensions of insult and violence, and that such a result might attend the coming election unless some public arrangement for preserving the peace, of an unobjectionable character, was entered into by prominent citizens of both political parties. Our article upon this subject was mild and conciliatory, and designed to give offense to no one. In response to such fair and pacific propositions, the Opposition paper treats the Democracy to a lengthy article full of misrepresentation and insult. They are accused of bribing and corrupting the free voters of the county with money and whisky, of a design to poll illegal votes, and of confining men in bull pens. They are charged with being enemies to the county and town in which they reside, and to which they are bound by tie of property and nativity, and some of them, ourselves particularly, are publicly invited to leave Frankfort.

The Democracy are treated like an inferior order of persons, and told that the Know-Nothings will condescend to let them vote, provided they will honestly resolve that no man who is not entitled to vote shall present himself at the polls without having the combined kicks of both parties; that is, that they shall follow the example proposed them by the Opposition, and turn themselves into polls-bullies to violate law, order, and decency. Determined as we are not to lend our countenance to any illegal voting, or attempts at voting, we shall never get so low down as to kick any man for voting legally or illegally. We have yet some faith in the honesty of the judges of the election, and shall leave it to them to determine who has or has not the right to vote. We recognize no authority in outsiders to judge a voter's qualifications.

This very proposition to the Democracy to join in mob violence in kicking men from the polls as a condition precedent to an allowance of their rights covers the whole ground of the charges we have to make against the Opposition, and establishes them. Every one knows that the Opposition have had, and will have, the deciding voice among the officers of the election, and that no Democrat, native or naturalized, can have his vote recorded against the decision of the two Opposition officers, their judge and sheriff. This in all reason is sufficient guaranty to them that no illegal vote can be polled on the Democratic side; why, then, except from a determination to carry the election by mob violence, if necessary, should they make the insulting proposal to Democrats to join in kicking men from the polls?

We are opposed to any man, native or naturalized, offering to vote who knows that he is not entitled to a vote; but we are still more opposed to any person, other than the judges of election, presuming to decide upon the qualifications of voters. We are very sure that the Democracy will not encourage any one to present himself at the polls not clearly entitled to vote, but they insist that every one thus entitled shall be allowed freely and fearlessly to exercise the right of suffrage, which is the foundation upon which all our free institutions rest.

Perhaps this article also may be construed into a threat, and if it be a threat to claim the exercise of Constitutional rights without lawless attempts at intimidation and violence, let those interested make the most of it. We are told that "the Democracy hold the remedy for the evil in their own hands," and we have begun to realize the fact.

Go to Work.—But a few weeks intervene between now and the election. We hope that every Democrat will fully realize the vast importance of rolling up a big majority for our State ticket, and our Congressmen, State Senators, and Representatives. In many of the counties the vote is close. Let every Democrat realize the importance of one more vote. If the majority is large against you, don't be discouraged, but roll up your sleeves and go to work to reduce it. If your majority is already large, make it larger. The time for working will soon be past. Then work while the day lasts.

"It will not be out of place, also, to remind you that you are not as *soil* as you might be, for since *new comers* have made their appearance a new system has been inaugurated, and, either from accident or design, no Democrat ever crosses the threshold of a merchant who differs from him in politics. This looks *proscriptive*, and is not native to the country."

We extract the foregoing from an Opposition paper. The "new comers" spoken of are doubtless the Democrats who have come to Frankfort within the last year or two. Now we submit that the charge therein made does the gentlemen alluded to the greatest injustice. They have expended with men of the Opposition about twenty-two thousand dollars in the single item of procuring residences, and two of them have employed two members of the Opposition to build them a residence at the price of \$3,650. So far as the charge of proscription in other respects is made, we believe that the "merchants" of Frankfort will attest that the "new comers," as they are styled, have dealt indiscriminately with Opposition and Democratic merchants. In other branches of business the same remark applies. And even in those cases where it might have been expected that Democrats only would have been employed, nothing like "proscription" has been resorted to by the "new comers." One of them—the keeper of the State prison—keeps in his employment three members of the Opposition who were in Mr. Ward's employment, one of them an assistant keeper, and another the superintendent of the bagging department of the prison—and all of them upon good pay.

We have the best reason to know that these self-same "new comers" are not unfriendly to Frankfort or its interests, but are keenly alive to both, and will seek in every legitimate and honorable mode to maintain its material prosperity. Some of them have shown their faith by their works, and have on more occasions than one voted in the Legislature and in the Constitutional Convention to retain the seat of government here; and on other occasions their personal influence has been freely exerted in the same cause. They have cast in their lots amongst us, and have expended their money freely in providing for themselves and families permanent and comfortable residences, and nothing short of the most satisfactory evidences that the right of suffrage—the foundation of all free government—is practically a cheat and a farce here, will ever cause them to waver in their life-time devotion to Frankfort and its interest. We sincerely hope that no such evidence may be afforded.

We have not noticed the alleged charge of proscription of the business men of the Opposition by Democrats, because we recognize the right of any man or set of men to pry into the private business of private gentlemen. On the contrary, we claim for every Democrat the same right that we accord to every gentleman of the Opposition, to make their private trades and bargains, and conduct their private business of every character in their own way, without a system of *surveillance* over them. It has come to a pretty pass indeed if a housewife or a landlord cannot buy a yard of cloth calico without the watchful vigilance of prying eyes and the parading of the fact in the newspapers! What shall we see next?

The Penitentiary Lease.

Never, through a course of many long years, did the Penitentiary yield the State annually more than five or six thousand dollars until recently, when the Democrats came into power, and a Democratic keeper was elected who pays to the State twelve thousand dollars per annum. Yet, strange to say, the Opposition press and orators are trying to claim credit to themselves and their party by saying to the State a large sum in the transaction! Now we can't tell how much they have saved, but we can easily estimate how much loss has accrued to the State for thirty years—to go no further back—during which the Penitentiary was never kept by a Democrat. Had it been leased during that time at \$12,000 per annum—the sum which the present Democratic keeper pays—the State would have been the gainer by about one hundred and eighty thousand dollars. In other words, the State has lost that sum on account of the prison not having heretofore been leased to Democratic keepers. Democrats pay, and no mistake.

Opposition Consistency.

The Opposition opposed the annexation of Texas, which brought a slave State into the Union. They opposed the repeal of the Missouri Compromise, which prohibited slavery in all the Territories North of a certain latitude. They opposed the admission of Kansas as a slave State formed out of a portion of that Territory. Now, however, that Kansas is inevitably free, they are loud and boisterous in their advocacy of protection to slavery by Congress in Territories where there are no slaves to protect!

They have, during the last few years, waged an unremitting and bitter warfare against the rights of naturalized foreigners. Now they are terribly horrified at the Cass letter!

They opposed the Mexican war which brought us, besides a superbundance of glory, Texas, New Mexico, and the golden mines of California. We submit that, for consistency's sake, they forthwith advocate the next war! We suppose the reason they have not done so, is that it has not occurred to them. We make no charge for the suggestion.

The Latest.

A letter "so mutilated that it is impossible to tell to whom it is addressed or by whom it was written"—a long letter making sixty lines—and yet so legible that every word in it can be distinctly read and printed for the public information. Who can beat that? And who will say any longer that the age of minaces is passed?

We see from the New Castle Democrat that James G. Leach, Esq., is a candidate for the Legislature in Henry county, "subject to any arrangement the Democratic party may choose to make, in case they may deem it proper by Convention or otherwise to select some other candidate."

(Correspondence of the Yeoman.)

MOBILE, July 1, 1859.

To the EDITOR of the YEOMAN: It is not strange to find honest men differing about questions of either *policy* or *expediency* in governmental affairs, because such has always been the case in this country, and in every other where the people are permitted to canvass the acts of their rulers and express their opinions freely. At the same time there are always certain cardinal principles laid down in all administrative affairs of governments about which men cannot disagree, or if they do, they disagree about the effect of the principles upon the body politic, if faithfully applied. To illustrate my idea. The Federalists of our earlier times wished to inaugurate in this country a strong central government, with a President for life or for a very long term; Senators for life, Representatives for a long term, and a judiciary after the British model, and all combining powers incompatible with State sovereignty, or at least with State rights. The Whigs, on the contrary, with far more enlightened views of representative government, demanded, and succeeded in establishing our present system of government, which was intended to leave the details of governing with the States, conferring on the confederacy only such general control of affairs as was necessary to secure national unity, and independence from foreign interference or domestic feuds. At that time there were true patriots for both systems, and they differed, as honest men might reasonably differ, in the formation of a great republican system of government.

But the successors of the first honest Federal patriots were not like their revolutionary sires. They were partisans from interest or passion. They kept up a hereditary opposition to the Whigs without considering the public good, until their opposition degenerated into downright treason, and until they became so odious they had to surrender their organization as a party. The Whigs became Democrats and the Federalists continued in opposition, under one generic name or another, until they have no name at all now but "Opposition."

Now the principles of these parties, though often beggared in abstractions, or else abandoned for a time to meet certain party emergencies, are very much the same as they were at the start, when eliminated from the subtleties of demagogues and factious. The Democrats still wish to confine the Federal government to its few specific duties, and particularly that branch of it which has from the beginning been encroaching upon the rights and duties of the co-ordinate departments. It is well known that Congress has usurped powers which were intended by the founders of our government to be exercised exclusively by the executive, and sometimes the prerogatives of the judiciary. Congress has also been constantly encroaching upon the sovereign rights of the States, until our wisest statesmen become alarmed lest the Federal representatives should become an oligarchy and take into their own hands all the material powers of State and national governments. One of the first steps in Congressional reform was to deprive that body of all control over the question of slavery in the States, Territories, or the District of Columbia. Upon that plank of the Democratic platform I thought all good Democrats had long since united, and I think so yet if they understand the true principles of the government. Slavery is a domestic institution, belonging exclusively to the locality where it is recognized. Concede to Congress the power to legislate upon this local subject in any manner whatever, except to compel their surrender by one sovereign to another, and you establish a dangerous precedent by which that exacting and encroaching department of the Federal government will undertake to legislate for us in everything. It has only been through the firmness of successive Democratic Presidents that the States are not now the creatures of Congress. That body has offered time and again to bribe the States out of part of their sovereignty by subscriptions to public works and donations of one kind or another, and by giving them a bank currency. Non-intervention was the doctrine of Jackson, Polk, Pierce, and Buchanan on these subjects, and "non-intervention" in the affairs of slavery, or any other private property, is the doctrine the Democrats can always safely stand upon. Some of your people in Kentucky have been led by casuistry and plausible arguments partly to yield the question of non-intervention to those political prostitutes, *policy* and *expediency*, and to contend for Congressional "protection" in the Territories. To admit the power to protect is to admit any other interference on the part of Congress the Northern members may choose to exercise.

Admit for the sake of argument that the "protectionists" are right in their demands. What will congressional action amount to? It does not legislate slavery into a Territory, nor keep it there. All Democrats now admit that the constitution permits the introduction of slavery into any existing Territory belonging to the United States. You or I, or any southerner, has the right, guaranteed by the highest law known to our system of government, to take slaves into any Territory not acquired by a treaty the conditions of which might prohibit it. It is a question of international law about which our wisest statesmen have differed, whether conquered territory is to be governed by the laws then existing among the people or by the laws of contiguous States. In the case of our late Mexican acquisitions the former policy prevailed so far as slavery was concerned. And for the interest of the south I think we had better adhere to that policy, as all future acquisitions of a desirable character are likely to be in the tropics, where slavery already exists or will prevail with or without congressional intervention. But to return to the question of protection. Where do we want it? where do we need it? Is there a State, or a Territory, or a District, where slavery already exists, where protection is needed? In the case of Kansas, for instance, if slaves have been introduced there they must be paid for before slavery can be abolished? If a factious legislature should undertake to drive them out by "unfriendly legislation" the Territorial Governor can resort to his veto. Or the Territorial Judges, like the Governor, appointed by the President, can set aside unconstitutional laws. Or the administrative of ficers can refuse to enforce them. Or, if a revolutionary legislature should persist in wrongdoing, send an army to make them and their constituents do right, as in the case of the repressive Mormons. Congress can do more than this with all the bother of protection. What good, then, let me ask, do the protectionists expect to derive by conceding to Congress a power which is much better for the South should be denied?

We see from the New Castle Democrat that James G. Leach, Esq., is a candidate for the Legislature in Henry county, "subject to any arrangement the Democratic party may choose to make, in case they may deem it proper by Convention or otherwise to select some other candidate."

venor, who has as clear a head and matured a judgment as any statesman in Kentucky. If I understand them correctly, those resolutions take the broad and safe ground of non-intervention with slavery in any manner or shape by Congress, either in the States, Territories, or the District of Columbia. They deny to abolitionized Congresses the right to meddle with our domestic rights in any way whatever. That is the safe ground sir, you may rely upon it, and I was sorry to see you and the States-man conceding anything at all to the protectionists. True old-line Democrats, like the Whigs of the revolution, are for limiting congressional action as much as possible in everything demanding national legislation. On the other hand, I think if you will look around you, and refer to the antecedents of Democratic "protectionists," you will find that but few of them were Democrats by descent, or educated in the Democratic faith, but have been taught from infancy to look to the general government for everything, and to Congress as the controlling department of the government. It is only natural to find men who have been so taught looking to Congress for all practicable and impracticable exercise of power, and to insist that that body shall interfere with the rights of the States and the property of individuals. As well might we ask protection against horse thieves, thimble riggers, or incendiaries. When a new southern State with slavery existing in it applies to Congress for admission into the Union, we wish it to be understood that that body will have no right to a word about slavery. And I now say, that any public man who "patters in a double sense" on this question, or who insists upon congressional intervention in the matter of slavery, will not get the vote of the South for President in 1860. We deny to the people themselves, the squatter sovereigns of a Territory, the right to abolish slavery in such Territory, or drive out a single slave or make him free without first paying his owner his just value. Congressional protection is an illusion, and squatter sovereignty an arcanum cheat—one being no better than the other.

W. T.

(For the Yeoman.)

LOUISVILLE, July 8, 1859.

The oracle of Know Nothingism, the Louisville Journal, complains that "one or both the Democratic papers here attempt to get up a feeling against Robert Mallory, because, as a delegate from Kentucky to the Whig Convention in 1848, he cast his vote for Gen. Taylor, and not for Mr. Clay," and presumptively endeavors to justify Mr. Mallory for not voting for Mr. Clay, on the plea that it was not believed that Mr. Clay could be elected, asserting that "we did not believe it then, nor do we now."

We are not aware that the Democratic papers here attempt to get up a feeling against Mr. Mallory. They may have attempted to show that fact because Mr. Mallory, and the faction with which he professes to act, attempt to shelter under the mantle of that illustrious statesman. And as it is an undeniable fact that the delegation of Kentucky to that convention at Harrisburg, Penn., did not even give Mr. Clay their vote on the first ballot, if these papers had not presented that fact to the people of Kentucky, they would have been recreant to their duty.

This fact has mad, and constantly kept up, a tissue of false issues; and as one of their issues is their political and personal devotion to Henry Clay, it is proper to show their treachery and their dereliction. No one complained of that delegation for casting their vote for Gen. Taylor. But they justly complained and censured the neglect or refusal to give their vote on the first ballot to Henry Clay, the man who had so sedulously and signally elevated and guarded the character of Kentucky and the Union, to whom the need was due, and the only time it could have been paid, near the close of his political career, and the going down of his sun—even had they had better proof than their suppositions that he could not be elected President of that Union to which he had added so much renown.

There is nothing that they can plead in mitigation of that neglect or design—not even the gratuitous intervention of that strong, but versatile advocate, the editor of the Louisville Journal, can release Mr. Mallory from the charge of dereliction on that occasion.

We can conceive the under current which threw this dogma to the surface of the troubled ocean!

Again, on the 4th of July, the sabbath of Independence, that journal, in its insatiable antipathy to the Democratic party, invokes "our gallant friends of the Ashland District to guard with unceasing care against the trickery and juggling in which the Democrats are so fertile," tells them "the spirit of Clay is abroad; its mighty charm gives fresh power to the eloquence of Bell." All this extravagance, founded upon the assertion of a correspondent of the Commonwealth that Bell vanquished Magoffin in a debate, and that Magoffin "went so far as to say, rather than appeal to Congress for protection, he would be in favor of drawing the sword and fighting for our constitutional rights."

The people of the Ashland district will regard the appeal so made by the journal a poor tribute of respect to their gallantry; though in by-gone days of Whigs and Democrats they strove ardently against each other for political ascendancy, they never viewed one another as Russians and Ottomans; and that the republic and its laws would be safe in the hands of either. There was no Black Republicans or ualents then willing to swallow the partial victor. The people of the Ashland District do not esteem the Democratic party tricksters or jugglers, and they know they do not transact their business in caves or caverns, under the solemnities of oaths or obligations which come in contact with their duties as citizens.

And certainly the invocation to the spirit of Henry Clay to sanction or encourage such inhumanity as that of the Cass letter! It is a question of international law about which our wisest statesmen have differed, whether conquered territory is to be governed by the laws then existing among the people or by the laws of contiguous States. In the case of our late Mexican acquisitions the former policy prevailed so far as slavery was concerned. And for the interest of the south I think we had better adhere to that policy, as all future acquisitions of a desirable character are likely to be in the tropics, where slavery already exists or will prevail with or without congressional intervention. But to return to the question of protection. Where do we want it? where do we need it? Is there a State, or a Territory, or a District, where slavery already exists, where protection is needed?

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the restless to make puerile *ex parte* comments upon.

Since we are supposing, let us suppose that if this compound Ostrovois could succeed in the States of Kentucky and Tennessee, over which the Louisville Journal graciously presumes or proposes to preside, what the consequences would be? North and South are dually spoken of. There are no such parties in the Northern or non-slaveholding States. There the only parties are the *Black Republicans*, who care for nothing but Abolition in the full sense of the term, and the Democratic, the true conservative constitutional party throughout the Union. And if the Black Republican party can overrun the protectors of the Union in a majority of those States, and can neutralize Kentucky and Tennessee by sending representatives of the new doctrine, they can operate nowhere; they dare not co-operate with the Black Republicans, and if they would despise the Democratic party and the Administration so cordially, that they would not act with them. They would be too apt to adhere to the rancoir under which they were chosen, and the result would be, the government would pass into the hands of the Puritans, who have kept every country, and every community where they have had the power, in commotion ever since the reign of Elizabeth of England. What, then, would become of the South, even if the fire-eaters were wiped out there, and they elected genial representatives, as they would be powerless? Guilt against such tricks and results, and elect the Democratic ticket to preserve the Union.

KENTUCKY WHIG.

THEATER.—Mr. W. H. Meeker, well-known to most of our citizens as an actor of great merit, will open our theater for a few nights, commencing to-night, with a company which we are assured is

THE TRI-WEEKLY YEOMAN.

DECISIONS

OF THE

COURT OF APPEALS OF KENTUCKY.

Reported expressly for the Yeoman by CHARLES F. CRADDOCK, Attorney at Law, Frankfort, Ky.

Taylor
vs.
From Bourbon.

Nunn,
On the first day of January, 1855, Thos. A. Taylor qualified as sheriff of Bourbon county, and with the appellee, Nunn, as one of his sureties, executed three bonds to the Commonwealth, one for the performance of his general duties as sheriff, another for the collection of the revenue, and the third stipulating "that said Thos. A. Taylor, as sheriff, shall well and truly collect, account for, and pay over to the persons entitled to receive the same according to law, the county levy and public dues of the county of Bourbon for the year 1855," &c.

These bonds were executed by Nunn at the instance of the appellant, H. Taylor, who was the father of T. A. Taylor, and who, on the same day, executed to Nunn the following bond of indemnity:

"I, Hubbard Taylor, sr., do promise and obligate myself to Wm. Nunn, that I will indemnify and save harmless the said Wm. Nunn against all damages, loss, and liabilities which he may incur by reason of his securityship for Thomas A. Taylor, sheriff of Bourbon county, in his official bonds given as sheriff as aforesaid. Witness my hand and seal, this 1st day of January, 1855.

(Signed) HUBBARD TAYLOR, [Seal.]

The county of Bourbon had previously issued bonds to the Maysville and Lexington Railroad Company, and to the Covington and Lexington Railroad Company, and being authorized by the charters of those companies to provide by taxation for the payment of the interest on those bonds, the county court in October, 1851, assessed for that purpose a tax of nine cents on each \$100 worth of property in the county for the bonds to the Maysville and Lexington Railroad Company, and of seven cents on the \$100 for the bonds to the Covington and Lexington Railroad Company. The statute authorizing the levy in the case of the former company provides "that the tax shall be levied and collected as other taxes are collected in this State, and by the same collecting officer," and that bond and security shall be demanded of the sheriff or collecting officer for the performance of his duties.

The act relating to the Cov. & Lex. R. R. Co. provides that the County Court shall, if necessary, have power to appoint an assessor, collector, and treasurer, and to take from them bonds with ample security, conditioned for the faithful discharge of their duties.

None of the railroad tax was collected by Taylor until June, 1855, when the County Court of Bourbon made the following order:

"Ordered, That Thos. A. Taylor, sheriff of this county, be appointed collector of the railroad tax for the present year;" and therupon Taylor, together with appellant, the appellee, and Wm. Way, his sureties, executed to the Commissioner a bond conditioned to collect, account for, and pay into the hands of the treasurer of the sinking fund for Bourbon county, according to law, all sums of money so levied and collectable, and faithfully discharge his duties as collector of said railroad tax."

Taylor, the sheriff, became a large defaulter and insolvent. Suit was brought in the name of the treasurer of the sinking fund, &c., against him and his sureties on the bond last mentioned, in which judgment was rendered, against all the defendants. Of that judgment Nunn was compelled to pay over \$3,000, for the recovery of which he afterwards instituted this suit against the appellant upon his bond of indemnity aforesaid, and obtained judgment for the amount, with interest from the time of payment.

From that judgment this appeal was prosecuted.

The Court, per Judge Duvall, decided—

The first question is, had T. A. Taylor, as sheriff, authority to collect the railroad tax, and whether it was embraced by the bond given by him and his sureties conditioned for collection of the county levy and public dues of the county of Bourbon for 1855?

Before the act of 1797 the sheriff was *ex officio* the collector of the county levy. By that act the County Court was authorized "to appoint the sheriff of the county, or any other person, collector of the county levy, &c." The act of 1793 provides that "it shall be the duty of the sheriff to collect the levies laid by the County Court of his county, and shall enter into bond therefor," &c. It has been decided that the act of 1793 did not repeal the act of 1737. Under the former act the sheriff, it willing to act and gave bond, was to be preferred. If he did not, the County Court appointed another. (*J. J. Marshall, 250.*)

The Rev'd Ed. Stotesbury have made no material change of the above law. (*Revised Statutes, 3 and 4, p. 210.*)

In Graham, *et al. vs. Washington County Court, (9 Dana, 1-4)*, it was decided, that although the sheriff had not been appointed collector of a special levy laid after he had executed his bond, yet as his bond was given for such county levies as should become due and collectable while he continued an officer, he and his sureties were liable.

In *Carter vs. Morgan's adm'r, (12 B. Mon., 2-2)*, where the sheriff gave bond in 1835, and in the succeeding year the Legislature passed an act authorizing Washington county court to levy an *a d'ad valorem* tax, in pursuance of which act the county court ordered the sheriff to collect 25 cents on each \$100 for a special local purpose, it was held the sureties of a deputy who had executed no indemnifying bond to the principal dated in 1835, were responsible for the failure of the deputy to pay over the special levy collected.

Stoen & C. vs. Ellis, &c., Ms. opinion, rest on same principle.

Ellis was appointed collector of county levies, and gave bond for the faithful discharge of his duty as such in May, 1849. In June of the same year a special levy was made for railroad purposes, and Ellis was appointed collector thereof, upon his executing bond with surety in the penalty of \$10,000. This bond he failed to execute, but he and his deputies proceeded to collect the special levy. He and his sureties were held liable on his bond executed as sheriff on the ground that, as sheriff, he had a right to collect the county levies, which were held to embrace the railroad levy as well as the other levies.

These authorities establish that Taylor, by virtue of his office of sheriff, had complete authority to collect the railroad tax; that his bond of January, 1855, bound him and his sureties for the levies and public dues of 1855; that the county court, by its order of June, 1855, did not supersede him as such collector, or revoke or annul the official authority with which Taylor was already invested by law, and which could only have been revoked by the appointment of another person collector; that the order neither created a new officer nor conferred any new authority upon the appellee. The only practical effect of the order was to require the sheriff to give additional security for the performance of his duties, which the law had before devolved on him.

The execution of this bond did not supersede the bond of 1st January, 1855, nor release the sureties on that bond. The former must be considered as additional or cumulative security. (*Hutchinson vs. Shurtliff's heirs, 1 Mon., 208.*) The case of *Withers vs. Hukman, &c., 6 B. Mon., 292; Taylor vs. Taylor's heirs, 16, 560*), this court decides, "though the funds arising from sale of the land and slaves of infants on the petition of their guardian, under the statutes are under the control of the chancellor, and he may, and is required to take bond and security from the guardian for the faithful disbursement of the same; yet this bond is required as a precautionary measure, and as additional security to that which has been taken by the county court, and does not discharge the sureties in the county court bond from their responsibility for the fund if it has come to the hands of the guardian. All the sureties in both bonds are equally bound for the sum, and all may be made responsible to the infants," &c.

The analogy between these cases and the present argued to be striking, and the consequence in the whole matter is that H. Taylor became liable to Nunn on the bond of indemnity for the amount he was bound to pay for T. A. Taylor, sheriff. But the judgment was for too much. There

[From the Washington Constitution.]
Interesting Letters on the Naturalization Question.

Reference having been made to the course pursued by Mr. Fillmore's Administration in relation to naturalized American citizens who return to their native homes, we publish, on this subject, the recorded opinions of Daniel Webster and Edward Everett, each of whom was Secretary of State during that Administration:

[Extract]—Mr. Webster to Ignacio Tolon, N. Y.

DEPARTMENT OF STATE,
WASHINGTON, June 23, 1852.

The respect paid to any passport granted by this Department to a naturalized citizen, formerly a subject of Spain, will depend upon the laws of that nation in relation to the allegiance due its authority by its native born subjects. If that government recognizes the right of its subjects to renounce their allegiance themselves, and associate with citizens of other countries, the usual passport will be a sufficient safeguard to you; but if allegiance to the Crown of Spain may be legally renounced by its subjects, you must expect to be liable to the obligations of a Spanish subject, if you voluntarily place yourself within the jurisdiction of that government.

DEPARTMENT OF STATE,
WASHINGTON, June 1, 1852.

Sir: I have to acknowledge the receipt of your letter to Mr. Reddall of the 27th ultimo, inquiring whether Mr. Victor B. Depiere, a native of France, but a naturalized citizen of the United States, can expect the protection of this Government in that country when proceeding thither with a passport from this Department. In reply, I have to inform you that it is understood to be the fact, the Government of France does not acknowledge the right of natives of that country to renounce their allegiance, it may lawfully claim their services when found within French jurisdiction. I am, sir, very respectfully,

DANIEL WEBSTER.

To J. B. Nones, Esq., New York.

The letter from Mr. Everett was addressed to our minister at Berlin, under date of 14th January, 1853, in reference to several cases which had been presented by that minister. "The question raised," Mr. Everett writes, "has received 'peculiar attention of the President.' The following extracts sufficiently state the doctrine:

"I, then, a Prussian subject, born and living under the state of law, choose to emigrate to a foreign country without obtaining the certificate which alone can discharge him from the obligation of military service, he takes that step at his own risk. He elects to go abroad under the burden of a duty which he owes to his government. His departure is of the nature of an escape from her laws and it, at any subsequent period, he is indiscreet enough to return to his native country, he can not complain if those laws are exacted to his disadvantage. His case resembles that of a soldier or sailor enlisted by compulsion or other compulsory process in the army or navy. If he should desert the service of his country, and thereby render himself liable to military law, no one would expect that he could return to his native land and bid defiance to its laws, because in the mean time he might have become a naturalized citizen of a foreign State.

For these reasons, and without entering into the discussion of the question of perpetual allegiance, the President is of opinion that if a subject of Prussia, lying under a legal obligation in that country to perform a certain amount of military duty, leaves his native land, and, without performing that duty or obtaining the prescribed "certificate of emigration," comes to the United States and is naturalized, and, afterward, for any purpose whatever, goes back to Prussia, it is not competent for the United States to protect him from the operation of the Prussian law. The case may be one of great hardship, especially if the omission to procure the certificate arose from inadvertence or ignorance; but this fact, though it justly grounds for sympathy, does not alter the case as one of international law.

Gen. Harlan's New Hobby.

In his speech at Lexington, the Opposition candidate for Congress made an attempt to humbug the farmers of Fayette county with one of the silliest and most shallow specimens of demagoguery that we have ever seen or heard of, coming from a respectable candidate to a respectable people.

Knowing that a large number of the farmers of Fayette county were extensively engaged in the culture of hemp, Gen. Harlan so far forgot the respect due his audience as to declare that, if elected, he would use his influence to obtain the passage of a law protecting hemp, the effect of which would be to greatly enhance the price of that commodity. Gen. Harlan did not explain the various parts of his patent machine for protecting hemp.

We suppose, however, that it will only operate upon the hemp fields of the Eighth District. It would never do to spread his patent protector over Missouri, because that would enable the hemp growers of that State to compete with the hemp growers of the Eighth Congressional District, and thus destroy the industry which our hemp raisers now have to vote for Adjutant General Judge John Marshall Harlan.

Gen. Harlan did not explain why the hemp growers of Kentucky needed or were entitled to protection more than the wheat growers or stock raisers. His reasons for this singling out one branch of agriculture for protection, to the exclusion of all the rest, he kept to himself. We, for one, should like to have heard them. We had always supposed that our hemp growers were well calculated to take care of themselves, and that they raised hemp because they found it more profitable than other crops; and that when it ceased to be so, they could abandon it culture without remedy and injured without redress.

Mr. Magoffin believes that slavery exists in all the territories of the United States by virtue of the constitution; that as soon as a territory is organized, the constitution flings its protecting wing around slave property therein; that a southern man has a right to take his slaves to the territories and hold them there as property; that the constitution guarantees him protection in the use of such property; that Cong. has the constitutional power to protect slavery in the territories; that "Congress ought to interfere to protect southern property in slaves in the territories;" but that, should we open and protect in the exercise of a clear and undisputed constitutional right, and it be denied us, that we ought to submit to the violation of our rights and still remain in a union in which constitutional guarantees afford no security, in which constitutional rights are trampled under foot, in which we are exposed to punishment, no chance for evasion, and no way of escape.

Upon the question of slavery in the Territories, they both clearly and explicitly stated their positions. How, after hearing them speak, any one can misunderstand either, is more than we can comprehend.

Mr. Bell believes that slavery goes into the territories of the United States by virtue of the constitution; that as soon as a territory is organized, the constitution flings its protecting wing around slave property therein; that a southern man has a right to take his slaves to the territories and hold them there as property; that the constitution guarantees him protection in the use of such property; that Cong. has the constitutional power to protect slavery in the territories; that "Congress ought to interfere to protect southern property in slaves in the territories;" but that, should we open and protect in the exercise of a clear and undisputed constitutional right, and it be denied us, that we ought to submit to the violation of our rights and still remain in a union in which constitutional guarantees afford no security, in which constitutional rights are trampled under foot, in which we are exposed to punishment, no chance for evasion, and no way of escape.

Another Gold Bloomer Meander.—On Wednesday evening, at half-past ten o'clock, Mr. Wm. H. Kelley, of Boone county, Kentucky, was waylaid and shot through the head and instantly killed by Wm. Ross, a neighbor, while plowing on his farm, a short distance back of Sugar creek. Ross fled, and the greatest excitement was caused in the neighborhood, a party having started instantly in pursuit of the murderer. The parties were young farmers. Kelley had been married about two months. Ross had several children. The former had purchased a farm from the latter at a bargain. Ross became dissatisfied before the deeds were executed, and thus destroyed the property of the victim. Kelley agreed to pay him \$100 additional, but when the deed was executed he bid Ross \$200, which the deed was executed by bid Ross to the original contract. The latter, indignant with passion, concealed himself near Kelley's premises, and shot him down with a rifle.

In his speech on Saturday, Mr. Bell said that he was then on his way to Frankfort, and that Georgetown was only one of his stopping places. He is slightly mistaken in his destination. It is bound for Salt river, and will reach that meadow stream about the first Monday in August. By the time he explores it thoroughly he will be in a fit condition to lay up for repairs. He will never be permitted to realize on that rosewood bedstead which is now enjoyed by his Excellency, Gov. Morehead, nor will he be permitted to partake of the viands provided in a \$300 stove, at the expense of the State, nor to enjoy other luxuries, such as his own expense, which are now indulged in by the grossest aristocratic and extravagant incumbrance.—*Gen. Gaz.*

Deep-Laid Scheme Exposed—The Parties Arrested.

We make a notice a few days since of the arrest of Taylor Roberts, near Paris, Ky., charged with a robbery near Milton, in Trimble county. The Cincinnati Enquirer gives the following additional news:

Through the instrumentality of Marshall McLaughlin we were on the first of the month informed by telegraph dispatch of an arrest made of Taylor Roberts, about four miles from Paris, on a charge of being connected in a robbery that took place near Milton, in Trimble county, some time in May last.

As near as we can derive at the circumstances of the case, three men, whose names are Cortland Toohunter, of this city, Taylor Roberts, and John Morrissey, of Trimble county, concocted a scheme, at a little meeting the trio had here, to rob and man by the name of John Kennedy, who resides near Milton. They accordingly, on the night of the 23d of May—that is, two of the party, who have since proved to be Roberts and Morrissey—visited the house of Kennedy, disguised as negroes, broke in, took Kennedy from his bed, cut his hands behind him, and were then about to proceed to rob the house, when Kennedy's wife entered in the room, and seized one of the robbers, whose finger, in the scuffle that ensued, she bit off, and at the same time tore a strip from his shirt, which caused the robbers to flee from the premises.

From the general character of this Roberts, he was subsequently watched until suspicion became so strong that he was arrested, as we have stated above. When he was taken he bloused upon Morrissey, or Morris, who was arrested yesterday morning an accomplice in the crime. The twain being in durance vile, pleaded upon them the charge of being connected with the robbery, though they did not allege that he was present at the actual commission of the offense. Both of them were arrested by the office of Trimble county, and when they were tried before the jury, they gave sign of defeat.

An Amusing Trick.

When Capt. Simms rose to reply to Mr. Harlan's last speech at Sardisville on Monday last, the Know-Nothings, (or most of them,) as if by preconcerted plan, moved in a body out of the house. Such contemptible tricks can but excite a smile. Either afraid to hear his withering reply of Simms to Harlan's demagoguery, or desiring to vent their party spleen by a manifestation of disrespect to their next Congressman, they resorted to this miserable trick. And what purpose will it answer? Who cares for their ill-mannered proceeding? Everybody understood the motive and despised the game sought to be played. Its only effect was to elicit remarks upon their want of courtesy, and to demonstrate to the crowd the despatch of the opposition. When a party cannot stand discussion, when afraid of the reply of the Democratic candidate to their nominee, and when they shrink from the rejoinder of their opponent, they give sign of defeat.

Lx. Statesman.

Still Alive.—We are glad to learn from the Mount Sterling Whig, that the wound in the throat of the Hon. John P. Martin, who attempted to commit suicide a few weeks since, near Catlettsburg, will probably not prove fatal, and that the chances are for his recovery.

[From the Maysville Express.]
The Discussion at Mayslick—Messrs. Magoffin and Bell.

The gubernatorial candidates addressed the people of Mayslick and vicinity on Tuesday last. We attended the meeting, and with much satisfaction we record what we saw and heard.

The systematic exaggeration of the respectable talents of Mr. Bell, by the opposition press, had prepared many to anticipate his easy triumph over his competitor; and many of his political friends intended this meeting without a thought of what was to be the result. We have no disposition, under any circumstances, to disparage or misrepresent political opponents. If they are able and eloquent, we have nothing to gain by denying it. If their positions are right, it is our duty to agree with them. If they are wrong, we can refute them without resorting to misrepresentation. But if we were partisan enough to debase paper triumphs for our candidates at the expense of truth, and weak enough to misrepresent the positions and pervert the language of political opponents to secure such victories, there would be, in this case, no reason for us to imitate the course pursued by a large portion of the opposition press of the State in this regard, and no temptation to sacrifice our own self respect by stooping to such a course.

Col. Boyd at Home.

Hon. Liam Boyd, accompanied by his family, reached his home near this city yesterday morning. The trip from Philadelphia and Cincinnati was made by railroad, and from Cincinnati to Paducah by steamboat. The journey by railroad was made by the Colonel upon his bed, being unable to undergo the fatigue of sitting up that length of time. His friends, however, will be gratified to learn that he stood the trip well, and is decidedly improved by it. We saw him at 8 o'clock yesterday morning immediately after he reached his residence, and we were astonished to find him looking so well, and in so fair a way for a rapid recovery. He is slowly but surely regaining his strength, and we confidently hope that a few weeks of the pure and healthful air of his "Old Kentucky home," will fully restore him to his wonted vigor.

We deeply regret that the Colonel will not be able to enter into the canvass in Kentucky, unless he may perhaps be able to make one speech at Paducah, to his old friends of the 1st district; but his mere presence amongst them will inspire the Democracy of the "Invincible First" with renewed zeal in their sacred cause.

Col. Boyd has been afflicted with a complication of the most painful diseases, which have racked him with agonizing misery, prevented him from sleeping at times for 48 hours, and utterly prostrated him physically. But he is now free from nearly all of them, is without pain, rests well, is rapidly regaining his strength, and is in full possession of all his intellectual powers. His trip home does not injure him, his life and health are assured.—*Paducah Herald.*

We deeply regret that the Colonel will not be able to enter into the canvass in Kentucky, unless he may perhaps be able to make one speech at Paducah, to his old friends of the 1st district;

more than 1 prize to every 2 tickets.

8366, 040
To be Distributed!

25,828 Prizes.

MORE THAN 1 PRIZE TO EVERY 2 TICKETS.

Georgia State Lottery.

For the benefit of the

MONTICELLO UNION ACADEMY,</p



ADAMS EXPRESS CO.

Office at Gwin & Owen's Hardware Store.

G. W. OWEN Agent.

STATE OF KENTUCKY, County, S. S.
A. S. H. ST. L. E. T. respecting the merits of the
Adams Express Company, made pursuant to an
act of the Legislature of Kentucky, entitled "An act
concerning Express Companies," and numbered 751,
declaring said Company to be common carriers, and
providing for the safety of articles entrusted to their
care.

The business of said company is conducted by nine
managers, whose full names and places of residence
are as follows, viz:

EDWARD C. SANFORD, Philadelphia, Pa.
SAMUEL M. SHOEMAKER, Baltimore, Md.
GEORGE W. CASS, Pittsburg, Pa.
JAMES M. THOMAS, Springfield, Mass.
JOHN H. DUNN, New York, N. Y.
JOHN BINGHAM, Philadelphia, Pa.
RUFUS B. KINGLY, Newport, R. I.
JOHN H. DUNN, New York, N. Y.

W. H. KELLEY, Louisville, Ky.

The stockholders of said Company, who change from day
to day, and of whom it is impossible to make an accurate
statement owing to the frequency of such changes,
the amount of capital employed in the business
of said Company in the State of Kentucky is nearly
as much as can be ascertained, ten thousand dollars.

And we, the subscribers, the managers above
named do hereby certify that legal process served upon
any authorized agent of said Company, in said coun-
try, shall be deemed and taken as good service upon
said Company and ourselves. Witness whereof,
we have hereunto set our hands this 11th day of
April, A. D. 1856.

J. H. DUNN, Jas. M. Thomas,

S. M. Shoemaker, Jas. P. Clapp, Spooner,

G. W. Cass, John Bingham,

J. H. DUNN, Jas. P. Clapp, Spooner,

J. H. DUN